

ORDINANCE 22-19

Woods - Robinson - Briggs PUD Amendment II

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is an Ordinance to amend the Westfield-Washington Township UDO of the City of Westfield and Washington Township, Hamilton County, Indiana (the “UDO”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 *et seq.*, as amended.

WHEREAS, the City of Westfield, Indiana (the “City”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Common Council enacted Ordinance No. 21-10, The Woods-Robinson-Briggs Planned Unit Development on March 22, 2021;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (**2207-PUD-XX**), requesting (i) an amendment to the Unified Development Ordinance and the Zoning Map with regard to the subject real estate more particularly described in **Exhibits A** (the “Gerth Property”) and **Exhibit B** (the “Original Woods-Robinson-Briggs PUD Real Estate”), and (ii) an amendment to the District and Concept Plans of the Woods-Robinson-Briggs PUD Ordinance;

WHEREAS, the Commission forwarded Petition No. **2207-PUD-13** to the Common Council of the City of Westfield, Hamilton County, Indiana (the “Common Council”) with a _____ recommendation (**X-X**) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2023; and,

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Woods-Robinson-Briggs PUD Ordinance, Unified Development Ordinance, and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to incorporate the Gerth Property into the **Woods-Robinson-Briggs Planned Unit Development District** (the "District").
- 1.2 This Ordinance shall also amend the Woods Robinson Briggs PUD Ordinance as applicable to the Original Woods Robinson Briggs PUD Real Estate.
- 1.3 Development of the Gerth Property and the Original Woods-Robinson-Briggs PUD Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, the Woods-Robinson-Briggs PUD Ordinance; and (iii) the provisions of the Unified Development Ordinance as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.4 Chapter ("*Chapter*") and Article ("*Article*") cross-reference of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.5 All provisions and representations of the (i) Unified Development Ordinance and (ii) the Woods-Robinson-Briggs PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Gerth Property and the Original Woods Robinson Briggs PUD Ordinance and shall be superseded by the terms of this Ordinance.

Section 2. Definitions

- 2.1 Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance. The following words and terms, not defined elsewhere in this Ordinance or its Exhibits, shall have the following meanings:
 - Reception / Event Center: Buildings and facilities owned or operated by a corporation, association, person or persons which are frequently rented out for public or private social gatherings, parties, special occasions, business meetings or similar events that are not repeated on a weekly basis and which are not open to the public on a daily basis at times other than when the event is scheduled.

Section 3. District Area Assignment

- 3.1 The Gerth Property is hereby assigned to District 1/the Commercial District, as originally set forth in Ordinance 21-10 (the "Assigned Area"). The standards of the Woods-Robinson-Briggs PUD Ordinance applicable to the Assigned Area shall apply to the development of the Gerth Property

- 3.2 The District Plan attached hereto and incorporated herein by reference as Exhibit C (the “District Plan”) hereby amends the Woods Robinson Briggs PUD District Plan.

Section 4. Concept Plan

- 4.1 Section 3 Concept Plan shall be replaced with the following:

- The Concept Plan, attached hereto and incorporated herein by reference as Exhibit D (the “Concept Plan”), hereby in accordance with Article 10.0(F)(2) Planned Unit Development District; PUD District Ordinance Requirements; Concept Plan.
- The final layout and site design shall be in substantial compliance with the Concept Plan, see Exhibit D, as determined by the Director of Community Development.

Section 5. Illustrative Character Exhibits

- 5.1 The “Illustrative Character Exhibits” attached hereto as Exhibits E through N are hereby incorporated as a compilation of images designed to capture the intended character and quality to be constructed in each defined district and subsequent areas identified on the Concept Plan, Exhibit D.
- Exhibits E through L shall replace Exhibit D, Commercial District 1 Character Exhibits, originally set forth in Ordinance 21-10.
 - Exhibit M shall replace Exhibit E, Park / Trail Head District 2 Character Exhibits, originally set forth in Ordinance 21-10.

Section 6. Overlay Districts

- 6.1 Section 7.2 shall be replaced with the following:

- Article 5.3(I) Minimum Height Requirements, Article 5.3(J) Building Size Requirements, Article 5.3(K) Architectural Design Requirements, and Article 5.3 (M) Miscellaneous Requirements of the 32 Overlay shall apply to development within District 1 except as otherwise modified by this Ordinance.
- Commercial Recreational Facility Use Buildings:
 - Commercial Recreational Facility use buildings which are seventy-five thousand (75,000) square feet in size or greater may use tilt-up concrete in lieu of Masonry Materials provided that the tilt-up concrete contains multiple colors and texturing similar to those seen in Exhibit L, Commercial Recreational Facility.
 - Commercial Recreational Facility use buildings which are seventy-five thousand (75,000) square feet in size or greater with flat roofs shall not be required to contain articulated cornices or roofline modulations as set forth in Article 5.3(K)(2)(f)(ii).
 - The primary building entrance to Commercial Recreational Facility Buildings may utilize enhanced use of glass in lieu of Masonry

Materials and multiple architectural elements as shown in Exhibit L, Commercial Recreational Facilities. The architectural design of the primary building entrance shall be offset a minimum of four (4) feet in depth and extend the entire vertical plane of the building.

- Church / Event / Reception Use Buildings:
 - Wood materials shall be permitted as the primary exterior building material and shall be permitted to exceed twenty-five percent (25%) of each Building Façade.
 - In the event wood materials are utilized as a primary exterior building material:
 - A wainscot or brick-wrap effect around buildings shall not be required.
 - Increased and enhanced use of Masonry Material shall not be required around building entrances and on Building Façades.
 - A minimum of twenty percent (20%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, shall be covered with Masonry Materials.
- All Commercial Use Buildings:
 - EIFS shall be prohibited below eight (8) feet in height.

Section 7. District 1

7.1 Section 8 General Regulations, Article 8.1 of Ordinance 21-10 “District 1” shall be replaced with the following:

- Minimum Lot Frontage: No Minimum, however all lots shall have vehicular access to a Street (e.g. via a shared ingress / egress easement).
- Project Perimeter Setback: Shall not apply.
- Building Size Requirement:
 - a) Minimum Building size:
 - Lots adjacent to 191st Street: The Minimum Gross Floor Area shall be five-thousand (5,000) square feet, which shall include the square footage of all pergolas, hardscaped outdoor seating, public art, artistic landscaping, and amenities up to one-thousand (1,000) square feet.
 - All other instances: Five-thousand (5,000) square feet.
 - b) Maximum Building size: One-hundred and fifty-thousand (150,000) square feet, except that a Commercial Recreational Facility may be up to two-hundred thousand (200,000) square feet in size.
 - c) Maximum Building Height: Sixty (60) feet except when adjacent to residential units, the maximum shall be three (3) stories.
- Minimum Building Setback Lines:
 - a) Front Yard
 - 191st Street: Sixty (60) feet
 - All other streets: Fifteen (15) feet
 - b) Side Yard
 - Adjacent to Residential District: Sixty (60) feet
 - All other instances: No Minimum

- c) Rear Yard
 - Adjacent to Residential District: Sixty (60) feet
 - All other instances: No Minimum
 - d) Monon Trail
 - Sixty (60) feet from Monon Trail Right-of-way
- Maximum Building Setback Lines:
 - a) 191st Street: One-hundred and twenty (120) feet
 - b) Grand Park Boulevard: One-hundred and twenty (120) feet
 - c) Monon Trail: One-hundred and twenty (120) feet
- Area B
 - a) Commercial Recreational Facility:
 - A Commercial Recreational Facility shall be developed in Area B as depicted on the Concept Plan, Exhibit D.
 - This Commercial Recreational Facility shall include: 1) racquet games (i.e. pickle ball, tennis, squash, or other similar games / sports); and 2) may include, but not limited to the following ancillary uses such as a fitness center, indoor track, spa, and indoor / outdoor food and beverage areas.
 - The Commercial Recreational Facility shall be similar to the character and quality as shown on Exhibit L, Commercial Recreational Facility.
- Area C
 - a) Mixed-use Area 1
 - Water Feature: A water feature shall be required in Area C, mixed-use Area 1 as depicted on the Concept Plan, Exhibit D. The water feature shall be similar to the character and quality as shown on Exhibit G, Water Feature.
 - At a minimum, the water feature shall have a minimum water “pool” size of five-hundred (500) square feet; contain multiple vertical moving water elements; include adjacent pedestrian access; incorporate adjacent hardscape design with multiple materials and colors; and provide seasonal interest when the water feature is non-operational.
 - The water feature shall be required to be shown on the first Detailed Development Plan submittal associated with Mixed Use Area 1. The water feature shall be developed in conjunction with the first building constructed within Mixed Use Area 1. The water feature shall not be constructed prior to the issuance of a building permit within Mixed Use Area 1 nor shall a permanent Certificate of Occupancy be release prior to the completion of the water feature unless an alternative timeline is approved by the Director of Community Development.
 - Pedestrian Promenade: A pedestrian promenade shall be required in Area C, Mixed-Use Area 1 as depicted on the Concept Plan, Exhibit D. The pedestrian promenade shall be

similar to the character and quality as shown on Exhibit H, Pedestrian Promenade.

- At a minimum, the pedestrian promenade shall be a car-free pedestrian oriented linear walkway that includes multiple hardscape materials and colors; a minimum five-thousand (5,000) square foot continuous greenspace, which may include synthetic turf; areas for pedestrian gathering; seating areas; fire pits; shade elements; a mixture of tree, shrub, and groundcover plantings; and multiple connections to adjacent pedestrian pathway networks.
- Multiple Front Building Facades shall be located on each side of the pedestrian promenade within Mixed Use Area 1 and provide direct access to the pedestrian promenade space.
- The overall pedestrian promenade layout shall be required to be shown on the first Detailed Development Plan submittal associated with Mixed Use Area 1. The pedestrian promenade shall be sequentially developed in conjunction with building(s) constructed within Mixed Use Area 1. The pedestrian promenade shall not commence construction prior to the issuance of a building permit within Mixed Use Area 1. A permanent Certificate of Occupancy shall not be release prior to the completion of the applicable pedestrian promenade segment(s) unless an alternative timeline is approved by the Director of Community Development.
- Mixed-use Units: The mixed-use units shall be developed in Mixed-use Area 1 as identified on the Concept Plan, Exhibit D. Mix-use units shall be buildings two (2) to three (3) stories in height featuring general retail uses on the ground floor with short-term rental units above. Retail uses may utilize a second floor provided a third floor contains short-term rental units. For the purposed of this Ordinance, short-term rental units shall be deemed as a Hotel use.
 - Minimum ground floor building size: ten-thousand (10,000) square feet
 - Maximum ground floor building size: twenty-thousand (20,000) square feet
 - Minimum number of short-term rental units: fifteen (15) units
 - Maximum number of short-term rental units: two-hundred (200) units
 - Short-term Rental Units may vary in size from a minimum of six-hundred (600) square feet to a maximum of one-thousand (1,000) square feet.
 - Short-term Rental Units shall be taxed the same as a Hotel and shall enter into an agreement with Grand

Park in their pay-to-play program as other hotels have done.

- Buildings located within Mixed-use Area 1 shall be similar to the character and quality as shown on Exhibit J, Mixed-use Areas.
- b) Mixed-use Area 2
 - A Mixed-use area shall be developed in Area C as depicted on the Concept Plan, Exhibit D. Buildings located within Mixed-use Area 2 shall be similar to the character and quality as shown on Exhibit J, Mixed-use Areas.
- c) Commercial Recreational Facility:
 - A Commercial Recreational Facility shall be developed in Area C as depicted on the Concept Plan, Exhibit D. The Commercial Recreational Facility shall be similar to the character and quality as shown on Exhibit L, Commercial Recreational Facility.
- d) Plaza:
 - A pedestrian plaza shall be required in Area C as depicted on the Concept Plan, Exhibit D. The plaza space shall be similar to the character and quality as shown on Exhibit I, Plaza.
 - At a minimum, the Plaza shall be one-quarter (1/4) acre in size, include areas for pedestrian gathering; seating areas; shade elements, a balance of hardscape and landscape areas, multiple hardscape materials and colors; and connection to the adjacent pedestrian pathway network.
 - The plaza shall be located directly adjacent to and provide direct access to the Front Building Façade, specifically the southwest corner, of the Commercial Recreational Facility located within Area C.
 - The plaza shall be required to be shown on the Detailed Development Plan submittal associated with the Commercial Recreational Facility located in area C. The plaza shall be developed in conjunction with the Commercial Recreational Facility. The plaza shall not be constructed prior to the issuance of a building permit for the Commercial Recreational Facility nor shall a permanent Certificate of Occupancy be release for the Commercial Recreational Facility prior to the completion of the plaza unless an alternative timeline is approved by the Director of Community Development.
- Area D
 - a) Mixed-use Area 3
 - A Mixed-use area shall be developed in Area D as depicted on the Concept Plan, Exhibit D. Buildings located within Mixed-use Area 2 shall be similar to the character and quality as shown on Exhibit J, Mixed-use Areas.

- b) Church / Event / Reception Center
 - Church / Event / Reception Center building(s) shall be required in Area D as depicted on the Concept Plan, Exhibit D. Buildings located within Church / Event Center Area shall be similar to the character and quality as shown on Exhibit K, Church and Event Center Area.
- Entry Drives
 - a) Grand Park Boulevard
 - Grand Park Boulevard as depicted on the Concept Plan, shall be developed with a landscape design similar to the character and quality as shown on Exhibit E, Grand Park Boulevard.
 - At a minimum, the Grand Park Boulevard landscape design shall include a planted roadway median; a mixture of shade trees, ornamental trees, shrubs, and groundcover plantings; and areas of seasonal interest landscaping.
 - The Grand Park Boulevard right-of-way landscape design plans shall be included with the first District 1 Detailed Development Plan submittal with development that is serviced by the roadway.
 - b) Wood Farm Place and “Access Drive 3”
 - Wood Farm Place as depicted on the Concept Plan, shall be developed with a landscape design similar to the character and quality as shown on Exhibit F, Grand Park Boulevard / “Access Drive 3”.
 - At a minimum, the Wood Farm Place / “Access Drive 3” landscape design shall include street trees on each side of the roadway; and areas of landscape shrubs / groundcover plantings beds.
 - The Wood Farm Place right-of-way landscape design plans shall be included with the first District 1 Detailed Development Plan submittal with development that is serviced by the roadway.
 - The “Access Drive 3” landscape design plans shall be included with the construction plans for the roadway at time of development.

Section 8. District 2: Park/Trail Head District

- 8.1 Article 8.2 of Ordinance 21-10, “District 2 Park/Trail Head District” shall be replaced with following:

The Park District (a minimum of 3 acres in size up to a maximum of 5 acres) is to be a donation or designated conservatory by Wood Family Farm of Hamilton County, LLC or a successor in interest (the “Owner”) with respect to the Park District. The Park District shall be developed as a nature-focused park/recreation area available to the general public (the “Park”). The Park District shall serve as a trail head of the Monon Trail. The following standards shall apply to District 2:

- Open-sided shelters shall be permitted.
- Enclosed buildings for park-related activities and/or facilities such as restrooms, maintenance, and similar other uses deemed appropriate for a passive activity park as determined by the Director of Community Development, shall be permitted.
- Park amenities shall include the following:
 - a) Playground equipment;
 - b) Lighting and safety features as may be reasonably required for a dusk-to-dawn community park;
 - c) Exercise stations;
 - d) Lawn area for recreational play such as frisbee, croquet, corn hole, etc;
 - e) Sculptured walking areas;
 - f) Crushed stone trails similar to Cool Creek connecting features within the Park; and
 - g) Other similar amenities and features commonly related to a passive park use as determined by the Director of the Community Development Department.
- An application for Detailed Development Plan Review for the park/trail head in District 2 shall be submitted to the Community Development Department within one year from the issuance of the first Improvement Location Permit for the Real Estate. The park amenities listed above shall be installed within District 2 within one year of the aforementioned Detailed Development application submittal unless The Director of the Community Development Department approves an extension due to unforeseen circumstances.
- Development of District 2, the Park District, shall be in substantial compliance with Exhibit N, the Park Plan, as determined by the Director of Community Development.
- The playground required as part of this section shall be similar to the character and quality shown in Exhibit M, Playground Equipment, as determined by the Director of Community Development.

Section 9. Development Standards

9.1 Article 6.14 Parking and Loading Standards:

- A maximum of three (3) rows of parking and two (2) associated drive aisles shall be permitted to exist in the 191st Street Front Yard and Grand Park Boulevard Front Yard within District 1.

**ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF
WESTFIELD, HAMILTON COUNTY, INDIANA THIS ____ DAY OF
_____, 2023.**

**WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA**

Voting For

Voting Against

Abstain

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: R. Birch Dalton

This Instrument prepared by: Birch Dalton, EdgeRock Development, 555 E. Main Street, Westfield, IN 46074

I hereby certify **ORDINANCE 22-19** was delivered to the Mayor of Westfield on the _____ day of _____, 2023.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 22-19
this _____ day of _____, 2023.

I hereby VETO ORDINANCE 22-19
this _____ day of _____, 2023.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

Exhibit A

Gerth Property Legal Description

Part of the Northwest Quarter of Section 25, Township 19 North, Range 3 East, Washington Township, Hamilton County, State of Indiana being more particularly described as follows:

Commencing at the South East corner of the North West quarter of Section 25, Township 19 North, Range 3 East, thence West 1559.27 feet along the south line of said quarter section to the true point of Beginning, said point being a boat spike set in the middle of the pavement, thence continuing along said South section line 179.65 feet to a point, said point being a boat spike set in the pavement in line with a fence to the North, thence N 0° 55' 41" E 1238.90 feet along said fence line to a point; said point being an iron pipe set in the Westerly Right of Way of the Monon Railroad, thence S 32° 32' 33" E 325.52 feet along said Right of Way to a point, said point being an iron pipe set in the Westerly Right of Way of said Railroad, thence departing from said Right of Way S 0° 55' 41" W 964.46 feet to the Point of Beginning and containing 4.54 acres .

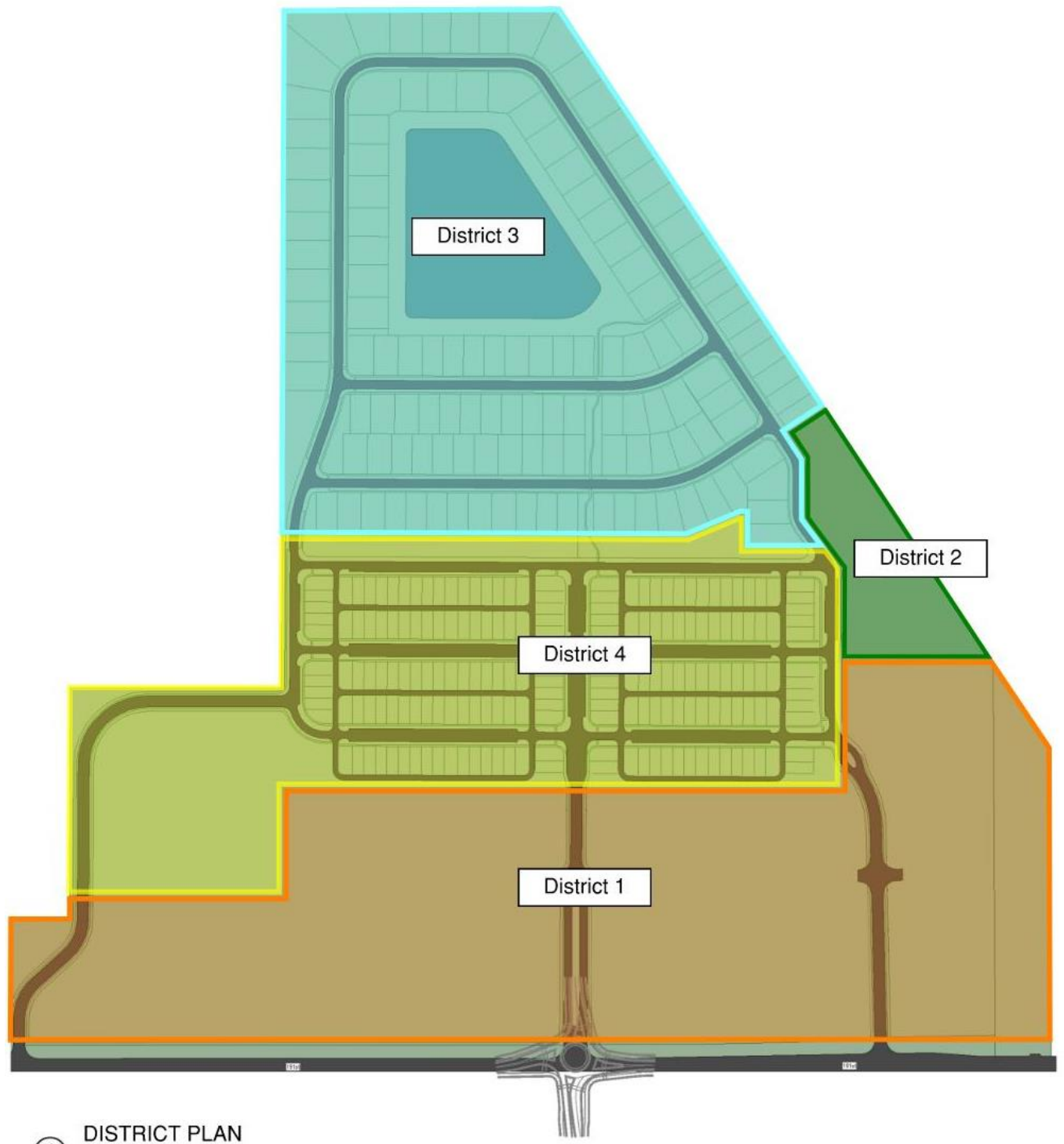
Exhibit B

Original Woods-Robinson-Briggs PUD Legal Description (sans Gerth Property)

A part of the Southeast Quarter of Section 23, part of the Northwest Quarter of Section 25, and part of the Northeast Quarter of Section 26 all in Township 19 North, Range 3 East Hamilton County, Indiana, described as follows:

BEGINNING at the Southeast Corner of the Northeast Quarter of Section 26; thence along the south line of said Quarter South 89 degrees 54 minutes 14 seconds West (bearings are derived from coordinates based on the Indiana State Plane Coordinate System East Zone NAD 83 (2011) epoch 2010.0) a distance of 1323.22 feet to the Southeast Corner of the West Half of said northeast Quarter; thence continue along the south line of said Quarter Section South 89 degrees 54 minutes 14 seconds West 850.18 feet to a point 188.57 feet west of the Southwest Corner of the East Half of said Half Quarter Section; thence parallel with the west line of said East Half of said West Half Quarter Section North 00 degree 13 minutes 27 seconds East 462.01 feet; thence parallel with aforesaid south line North 89 degrees 54 minutes 14 seconds East 188.57 feet to the west line of the East Half of said West Half; thence along said west line North 00 degree 13 minutes 27 seconds East 723.04 feet to the northwest corner of 18 acres off the entire south end of said Half Half Quarter Section; thence along the north line of said 18 acres North 89 degrees 54 minutes 14 seconds East 661.74 feet to the northeast corner of said 18 acres; thence along the west line of the East Half of said Northeast Quarter North 00 degrees 13 minutes 50 seconds East 1463.08 feet to the Southwest Corner of the South Half of the of the Southeast Quarter of the Southeast Quarter of said Section 23; thence along the west line of said Half Quarter Quarter of said Section 23 North 00 degrees 01 minute 08 seconds West 663.50 feet to the Northwest Corner of the South Half of the Southeast Quarter of said Southeast Quarter; thence along the north line of said Half Quarter Quarter Section North 89 degrees 39 minutes 04 seconds East 866.88 feet to the westerly line of the lands of the City of Westfield (Former Monon Railroad); thence along said westerly line South 33 degrees 30 minutes 30 seconds East 2461.68 feet to the east northeast corner of the lands of the Wood Family Farm of Hamilton County, LLC as described in Instrument No. 2015012811; thence along the east line of Wood South 00 degrees 16 minutes 39 seconds East 1242.37 feet to the south line of the Northwest Quarter of said Section 25; thence along said south line South 88 degrees 46 minutes 09 seconds West 919.30 feet to the place of beginning, containing 157.53 acres, more or less.

Exhibit C
District Plan

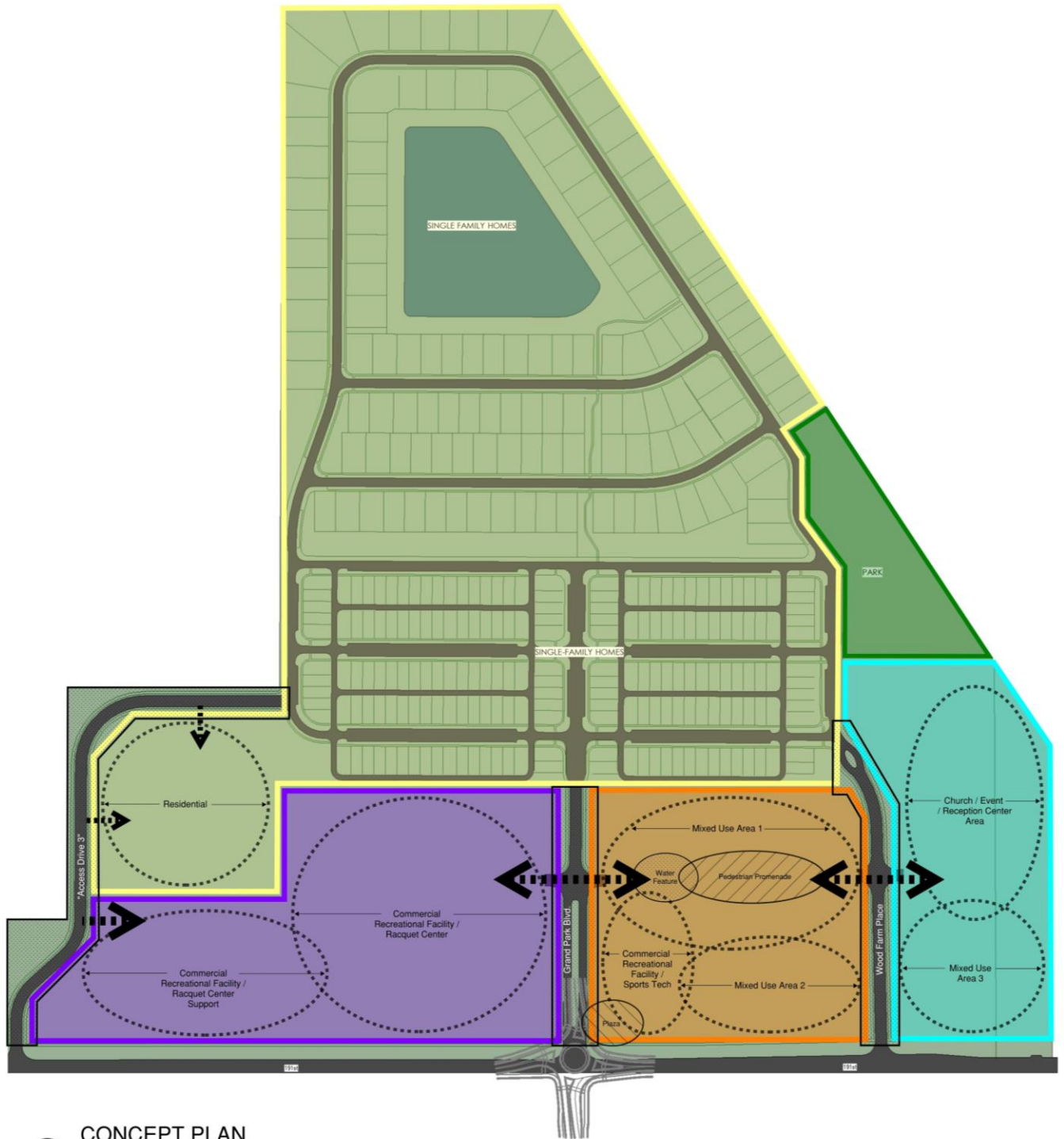


① DISTRICT PLAN
1" = 400'-0"

11/18/22

Exhibit D

Concept Plan



1 CONCEPT PLAN
1" = 400'-0"

Area "A"	
Area "B"	
Area "C"	Park Area
Area "D"	Entry Drives

11/18/22



Cooler Design

ARCHITECTURE • PLANNING • INTERIOR DESIGN

Exhibit E

Grand Park Boulevard Landscape



1



2



3



4



5

Exhibit F

Wood Farm Place and “Access Drive 3” Landscape



Exhibit G
Water Feature



Exhibit H
Pedestrian Promenade

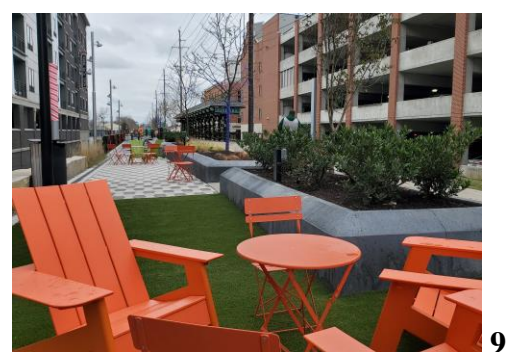
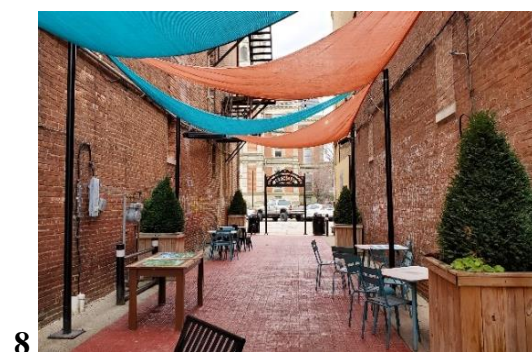
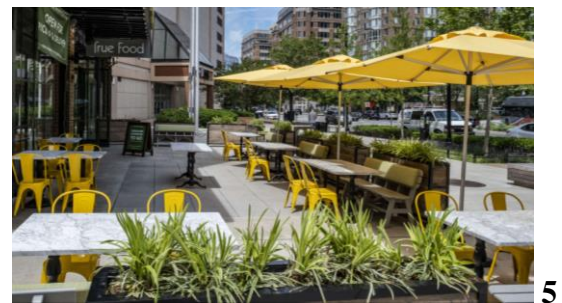


Exhibit I

Plaza



Exhibit J
Mixed-use Area(s)

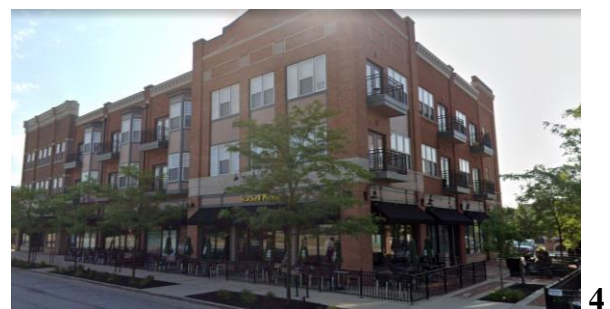


Exhibit K

Church / Event / Reception Center Area



Exhibit L

Commercial Recreational Facilities

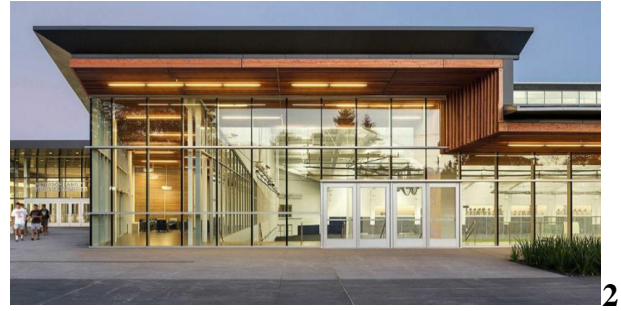


Exhibit M
Playground Equipment



Exhibit N

Park Plan

